

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

LISA GERALD	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 3:17-575
	:	
v.	:	(JUDGE MANNION)
	:	
NANCY A. BERRYHILL	:	
	:	
Defendant	:	

ORDER

Presently before the court is the report and recommendation of Magistrate Judge Susan E. Schwab (“Report”), which recommends that the decision of the Commissioner of Social Security (“Commissioner”) denying plaintiff Lisa Gerald’s (“Gerald”) application for Supplemental Social Security Income (“SSI”) and Disability Insurance Benefits (“DIB”) be affirmed. ([Doc. 13](#)). Gerald has filed objections to the Report ([Doc. 14](#)), which the Commissioner filed a response to on November 1, 2018 ([Doc. 15](#)). Based on the court’s review of the record in this matter, the Report will be adopted in its entirety; Gerald’s objections will be overruled, and the decision of the Commissioner will be affirmed.

When objections are timely filed to the report and recommendation of a magistrate judge, the district court must review *de novo* those portions of the report to which objections are made. [28 U.S.C. §636\(b\)\(1\)](#); *Brown v.*

Astrue, 649 F.3d 193, 195 (3d Cir. 2011). Although the standard is *de novo*, the extent of review is committed to the sound discretion of the district judge and the court may rely on the recommendations of the magistrate judge to the extent it deems proper. *Rieder v. Apfel*, 115 F.Supp.2d 496, 499 (M.D.Pa. 2000) (citing *U.S. v. Raddatz*, 447 U.S. 667, 676 (1980)).

For those sections of the report and recommendation to which no objection is made, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed.R.Civ.P. 72(b) advisory committee notes; see also *Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); M.D.Pa. Local Rule 72.31.

Gerald’s objections to Judge Schwab’s Report (Doc. 14) are a mirror image of Gerald’s arguments from her brief (Doc. 10), which were individually addressed at length by Judge Schwab in her Report (Doc. 13). Armed with an arsenal of evidence from the decision of the administrative law judge

(Doc. 9-2, at 17-33), Judge Schwab rigorously rejected Gerald's arguments, which are now rephrased as objections. Considering Gerald has not raised any objections, other than those properly addressed by Judge Schwab; Gerald's objections (Doc. 14) to Judge Schwab's Report are overruled.

The court finds that Judge Schwab used proper reasoning and evidence to support her Report and arrived at a legally sound conclusion. As such, Judge Schwab's Report shall be adopted in its entirety as the opinion of this court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1) Judge Schwab's Report (Doc. 13) is **ADOPTED IN ITS ENTIRETY**;
- (2) Gerald's objections to Judge Schwab's Report (Doc. 14) are **OVERRULED**;
- (3) Gerald's request for relief is **DENIED**;
- (4) The Commissioner's decision denying Gerald's claim is **AFFIRMED**;
and
- (5) The Clerk of Court is directed to **CLOSE** this case.

s/ Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

DATE: February 19, 2019

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